



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.24794 of 2021

Minor S.Thirumangai

rep. By her father and Natural Guardian,
G.Sekar

... Petitioner

vs.

1. The Government of India,
rep. By its Secretary,
Department of Health and Family Welfare,
Ministry of Health & Family Welfare,
Room No.348, 'A' Wing,
Nirman Bhavan,
New Delhi - 110 011.
2. National Testing Agency
(Government Agency),
IITK Outreach Centre, C.20,
1A/8, 'C' Block, Phase - 2,
Industrial Area, Sector 62,
Noida, Uttar Pradesh.
3. The Associate Dean for Graduate
Medical Education (ADGME),
NEET 2021 - 3rd Floor,
Nirman Bhavan,
New Delhi - 110 001.
4. The National Medical Commission,
rep. By its Chairperson,
Sector 8, Pocket 14, Phase-I,
Dwarka, New Delhi - 110 077.
5. The Selection Committee,
Directorate of Medical Education,
Kilpauk,
Chennai 600 010.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing



the Respondents to forthwith change the category of the Petitioner from UR-EWS to OBC in her Application No.210410806853 and consequently direct the Respondents to issue the Certificate according to the Eligibility category of the Petitioner.

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For Petitioner	:	Mr.K.Selvaraj
For Respondents 1 & 3	:	Mr.Madhanagopal
For 2 nd Respondent	:	Ms.Sunita Kumari
For 4 th Respondent	:	Ms.Shivaranjani
For 5 th Respondent	:	Mr.U.Baranidharan, Addl. Government Pleader

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondents to forthwith change her category from UR-EWS to OBC in her Application No.210410806853 and for a consequential direction to the Respondents to issue the Certificate according to her Eligibility category.

2. According to the Petitioner, she belongs to Vanniyar Community and the competent Authority has also issued Most Backward Class Community Certificate to her on 25.09.2018. She passed Higher Secondary Course Examination in May 2021. On 22.07.2021, she submitted her Online Application to write NEET (UG) 2021 - Entrance Test and on 12.09.2021, she wrote the NEET Examination. On 01.11.2021, NEET results were published and the Petitioner obtained the Score Card, wherein, her category was shown as "UR" (General) instead of "OBC". On 02.11.2021, the Petitioner submitted her representation to rectify the mistake. On 12.11.2021, she submitted a reminder to the Respondents requesting to rectify the mistake. As there is no response from the Respondents till date, having no other alternative, the Petitioner has come up with the above Writ Petition.

3. Learned counsel for the Petitioner submitted that, when a similar issue came up for consideration in W.P.Nos.29834 and 22204 of 2018, this Court allowed the said Writ Petitions, by allowing similarly situated candidates to change their category from "UR" to "OBC". However, a batch of Writ Petitions for the same relief in respect of MBBS/BDS Course was dismissed by this Court in W.P.No.16679 of 2020, etc. batch on 30.11.2020. Two Writ Petitioners in the said batch filed Writ Appeal Nos.1109 and 1110 of 2020 and a Division Bench of this Court, by a judgment dated 11.12.2020, passed the following order:

"5. Subject to the aforesaid, we direct



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the concerned Respondents/Authorities to give an opportunity to the present Writ Appellants A.Adarsh and V.S.Gayathri also to participate in the mop-up counselling procedure which is said commencing from Monday 14.12.2020 and allot them Seat/Admission in the Colleges by permitting them to change their category from 'Unreserved' to "OBC".

4. Learned counsel appearing for the Respondents has no objection to the submissions made by the learned counsel for the Petitioner.

5. As a similar issue came up for consideration before the Division Bench of this Court and the Court allowed similarly situated candidates to change their category from 'Unreserved' to "OBC", this Court directs the Respondents herein to permit the Petitioner to participate in the mop-up counselling said to commence in the future and allot her a seat in the Colleges by permitting her to change her category from 'Unreserved' to "OBC".

The Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.No.26082 of 2021 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Secretary,
Government of India,
Department of Health and Family Welfare,
Ministry of Health & Family Welfare,
Room No.348, 'A' Wing,
Nirman Bhavan, New Delhi - 110 011.
2. National Testing Agency
(Government Agency),
IITK Outreach Centre, C.20,
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The National Medical Commission,
Sector 8, Pocket 14, Phase-I,
Dwarka, New Delhi - 110 077.
5. The Selection Committee,
Directorate of Medical Education,
Kilpauk,
Chennai 600 010.

+1CC to M/s.Sunita kumari, Advocate, Sr.No.59400
+1CC to Mr.K.Selvaraj, Advocate, Sr.No.59613
+1CC to Mr.Government Pleader, Sr.No.59753

W.P.No.24794 of 2021

NR (CO)
K.RK. (26.11.2021)